

REMARKS

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that the term “-All” is a relative term that renders the claim indefinite. Apparently, the Examiner believes that the term is a reference to the word “all” but this is in error. Applicant maintains that the term “-All” is a well-accepted shorthand reference to the “allyl” group (see the attached articles from the Journal of Organic Chemistry, particularly Schemes 3 and 4, and from Carbohydrate Research, particularly Schemes 1 and 2). As such, it is clear of any indefiniteness. Applicant has amended claim 1, however, to replace the term “-All” with the term “-allyl” as suggested by the Examiner.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, in that the inclusion of the terms “alkenyl or alkynyl” are asserted to be new matter. This ground of rejection is respectfully traversed. Anyone skilled in the art of organic synthesis, clearly understands that the Williamson ether synthesis (see attached pages 556-58 from Organic Chemistry, 3rd Edition by Morrison and Boyd), here described for R2 and R3, using a base to deprotonate the hydroxyl group followed by addition of a desired bromide to generate the carbon-hydrogen bond, is a very general and straight forward reaction step, especially at the specific stage of the synthesis pathway presented here. Examples of the Williamson synthesis in the specification are Example 5, page 27; Example 32, page 51; Example 44, page 63; the process for making Compound 2.3, page 64; and the process for making Compound KPE00001044, page 65. Those skilled in the art recognize that the Williamson synthesis can be used with any of alkanyl, alkenyl, alkynyl and aryl bromides. Presenting the method of synthesis describing a limited number of representatives is sufficient for one skilled in the art to clearly and immediately understand that the reaction can be conducted with the other known groups of compounds.

Similarly, anyone skilled in the art of organic synthesis, clearly understands that the Grignard reaction, here described for R1 (see pages 72-73 and 77), starting from an halogenide (here bromide) followed by the addition of the Grignard reagent to generate the carbon-carbon bond, is a very general and straight forward reaction step, especially at the specific stage of the synthesis pathway presented here, and can be used with alkanyl, alkenyl, alkynyl and aryl magnesium bromides (see attached pages 509-513 from Organic Chemistry, 3rd Edition by

Morrison and Boyd). One skilled in the art of organic synthesis will immediately recognize from the recitation of the Grignard reaction that it is applicable to alkanyl, alkenyl, alkynyl and aryl magnesium bromides.

Reconsideration and withdrawal of the Section 112 rejection in light of the foregoing amendments and these comments is respectfully requested.

The application has been amended to further distinguish the application over the prior art, and to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention so as to place the application, as a whole, into a prima facie condition for allowance. Great care has been taken to avoid the introduction of new subject matter into the application as a result of the foregoing modifications.

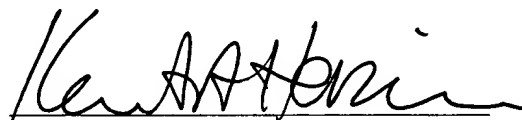
Based on the foregoing, Applicant respectfully submits that its claim 1, as amended, is in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

Date:

Jan - 7, 2004



Kent A. Herink
Registration No. 31,025
DAVIS, BROWN, KOEHN,
SHORS & ROBERTS, P.C.
666 Walnut St., Suite 2500
Des Moines, Iowa 50309
Telephone: (515) 288-2500

ATTORNEYS FOR APPLICANT